

JUDGE CASTEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA

:

INDICTMENT

- v. -

:

08 Cr.

ABRAHAM DELVALLE,
a/k/a "Cano,"

08 CRIM 770

Defendant.

:

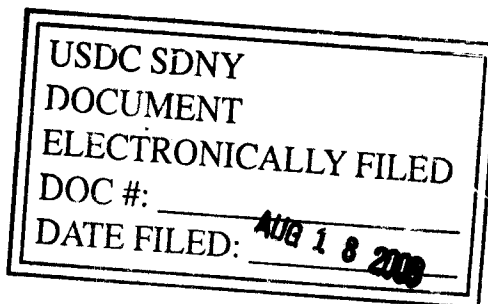
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COUNT ONE

The Grand Jury charges:

1. On or about May 23, 2008, in the Southern District of New York and elsewhere, ABRAHAM DELVALLE, a/k/a "Cano," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ABRAHAM DELVALLE, a/k/a "Cano," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 9 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Codes, Sections 812, 841(a)(1) and 841(b)(1)(C).



Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about May 23, 2008, in New York, New York, ABRAHAM DELVALLE, a/k/a "Cano," provided 25 bundles of heroin to a cooperating witness in exchange for \$2,500.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about December 19, 2007, in the Southern District of New York, ABRAHAM DELVALLE, a/k/a "Cano," the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 9 grams and more of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C).)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, ABRAHAM DELVALLE, a/k/a "Cano," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of

the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
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Defendant.

INDICTMENT

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(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(C), and 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Merry Picchione

Foreperson.

*8/18/08 Ald. Ind. Post 11/1-07 This
case is assigned to Judge Cataly
for all purposes. A/W order
Mag. Judge Polinger*